

**Remarks of Indiana Supreme Court Justice Theodore R. Boehm at his
retirement ceremony September 30, 2010**

Thanks to the Indiana State Bar Association, the Indianapolis Bar Association, the Indiana Judges Association and Chief Justice Shepard for their undeserved but much appreciated kindness. I appreciate the kind words from all of the presenters here today, but must object that they have omitted mention of my only significant contribution to the judiciary. Perhaps you observed that we entered this courtroom in a peculiar order, led by me as the second most junior Justice. For the last ten years it has fallen to me to fire the starting gun for our sessions, no small task with various unmentionable intrusions often leaving me without a full complement of followers. To address this, I acquired this watch, which communicates nightly with the Naval Observatory in Ft. Collins Colorado and is correct to within 1/10 of one second. With this discipline imposed, we have launched our webcast arguments at 9 a.m. with network like precision. Until now I have not claimed public credit for this achievement, accomplished over considerable tripping, stumbling and dithering by those behind me. In the future Justice Rucker will be the herder of this gaggle of felines, and as a token of my respect and sympathy, I am pleased to present him with this genuine used atomic watch. Good luck Bob.

And thanks to my colleagues on this court. We frequently hear from our counterparts in other states and from the federal bench that the Indiana Supreme Court stands out as one of the best in the nation. That is due to the opinions we have issued, but equally if not more so to the many steps the court has taken under Chief Justice Shepard's leadership to improve the administration of Justice in our state. It has been a privilege and a pleasure to serve with this distinguished quartet.

Particular thanks to Gov. Daniels, Mayor Ballard, and Mayor Peterson for taking the time from their very busy schedules to be here today. And thanks to my twenty law clerks who gave one or two years of their budding careers to make me look good. Particular thanks to Kevin Green from San Diego and Cindy Bauerly and Allison Brown from Washington D.C.

My daughters Jenny and Macy are here today with Jenny's husband Eric. Special thanks to Macy for making the trip from Chicago on a school day.

Everyone here has played some important role in my life, some for 40 years, others more recently. Many of you have opened opportunities for me. Others have been colleagues, mentors, role models and supporters in efforts from various chapters of my life. To start naming each would keep us far too long. Please just look around the room and know that I am grateful to all of you for being here today and for what you have contributed to my life and to the public.

I also want to express my appreciation to my assistant, Debra Moss, who has put up with my handwriting and idiosyncracies since 1996, and to the unsung heroes far too numerous to name who make the Supreme Court and the agencies it supervises run so well. Until I got this job I, like many who spent their careers in the private sector, did not fully appreciate the quite remarkable quality and dedication to public service of the Court's administrative staff, Lilly Judson's Division of Court Administration, Jane Siegel's Judicial Conference, and the staffs and volunteer lawyers who make the several boards, commissions and agencies run so smoothly.

Finally, almost all of you know Peggy from some connection other than as my wife. You also know what an accomplished and delightful person she is.

Any attempt to describe her steadying, coaching, and loving support in both our public and private lives would fall too short.

So I will not try, other than to say we recently celebrated our silver anniversary, and I only wish everyone the joy and constant renewal of a union with one you love who addresses every situation great and small with patience, humor, maturity and tolerance.

I have been asked what comes next. Due to the courtesy of my colleagues on the Supreme Court and the Court of Appeals, I will be serving as a Senior Judge on the court of Appeals and perhaps also occasionally in the trial courts of Indiana.

In addition, I will be affiliating with Van Winkle Baten Rimstidt Dispute Resolution here in Indianapolis and I hope to do some work as an arbitrator, mediator and perhaps a few other roles.

And as many of you know, I continue to have an interest in a range of cultural and sports related activities, and hope to continue in several non profit and civic activities.

All of these are things I will be able to do as much, or as little as I choose, and Peggy and I plan to do some traveling and spend a little time in Florida in the dark days of February and maybe a little spring training as well.

I do not intend to vanish from the public arena. James Madison warned in the Federalist papers of the risk of domination of public affairs by what he called factions. Today, some version of Madison's nightmare seems to be spreading in the form of partisan dialog aimed at placing blame or seeking to preserve and protect positions of power without offering any constructive alternatives. Too often preservation of individual privilege or defense of party power is elevated over the greater public good in the actions and sometimes even in the stated positions of officials or office seekers. We can no longer afford tolerating remnants of the spoils system as the necessary cost of our form of government.

We all know the substantial problems the current economic climate raises for such critical areas as public safety, education at all levels, and a deteriorating infrastructure, not to mention public transportation, libraries and parks, and a myriad of amenities that nourish thriving communities. Yet we are often unable to implement programs that can provide better service at less cost. Many others have noted the often contentious mode of debate on issues of critical importance to our city, state and nation. This is more than distasteful. It is costing us money and degrading the quality of service we can and should expect from government in all levels and in all three branches.

Because I have spent the last fourteen years in state government, I offer only a few of many examples from state and local experience.

The Kernan-Shepard analysis of county and township government identified a number of steps that could be taken to modernize our nineteenth century form of local government. When Indiana started out as a State, the only government that really mattered to most people was local government, and it was quite useful in a horse and buggy day to have the seat of government within one day's ride from every citizen. In today's world of internet communications and interstate highways those considerations are largely obsolete. Yet we cling to duplicative and grossly inefficient ways to accomplish the work of government.

A second example comes from the judicial branch, where in some parts of the state we have systems of judicial selection that work well, but in Marion county, for example, we have a scheme that purports to place the selection in the hands of the voters, but in practical effect leaves it under the control of a few party officials. There are several pernicious results, not the least of which is the judges become a vehicle for raising funds for political parties. Despite widespread derision, even ridicule of this system, few in government have the will to challenge it.

The legislative branch has its own problems. There seems to be an emerging consensus that Gerrymandered legislative districts are a bad thing. If the vast majority of districts are dominated by one party or the other, the primary election, not the general election becomes the decision point in selection of most legislators.

And the selection is inevitably reflective of the center of gravity of the dominant party, not the population as a whole. The result is a polarized legislature composed of very few mediators, compromisers, or centrists.

What to do about these questions and many more are subjects for greater exploration at a later date. For now, suffice it to say that I hope they will be in the public dialog and ultimately the citizenry will demand reform. I hope to be a voice in that discussion.

Thank you all for joining us today, and for your friendship and support over many years.